## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

FEDERAL TRADE COMMISSION,	)	
Plaintiff,	)	
v.	) ) Civ. N	o. 97-701 (TFH)
STAPLES, INC. and OFFICE DEPOT, INC.,	) ) )	FILED
Defendants.	ý	JUN 3 1 1997
	ORDER	ANCY MAYER WHITTING OUTERK

For the reasons set forth in the accompanying Memorandum Opinion, the Court finds that the Commission has shown a "reasonable probability" that the proposed merger between Staples and Office Depot may substantially impair competition and likewise has "raised questions going to the merits so serious, substantial, difficult and doubtful as to make them fair ground for thorough investigation, study, deliberation and determination by the FTC in the first instances and ultimately by the Court of Appeals." Therefore, the Court finds that the Commission has shown a likelihood that it will succeed in proving, after a full administrative trial on the merits, that the effect of the proposed merger between Staples and Office Depot "may be substantially to lessen competition" in violation of Section 7 of the Clayton Act. In addition, the Court has weighed the equities and finds that they tip in favor of granting a preliminary injunction. A preliminary injunction is, therefore, found to be in the public interest. It is therefore

ORDERED that the Federal Trade Commission's Motion for a Preliminary Injunction is GRANTED; and it is further

ORDERED that the defendants Staples, Inc. and Office Depot, Inc. are hereby

ENJOINED from consummating the acquisition by defendant Staples, Inc. of defendant Office

Depot. Inc., pending final disposition before the Commission of administrative proceedings to

determine whether such acquisition may substantially lessen competition in violation of Section 7

of the Clayton Act, 15 U.S.C. § 18, and Section 5 of the Federal Trade Commission Act, 15

U.S.C. § 45.

June **30**, 1997

Thomas F. Hogan United States District Judge